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INCL. ENCL. 105
U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

★ JAN 31 2008

SOLOMON SHAMI

LONG ISLAND OFFICE
CLASS ACTION
COMPLAINT

(S) Plaintiff(s),

-against-

UNITED COLLECTION BUREAU INC.

CV 08 0430

Defendant(s).

GERSHON, J.
MATSUMOTO, M.

**COMPLAINT FOR VIOLATIONS
OF THE FAIR DEBT COLLECTION PRACTICES ACT**

This action is brought on behalf of plaintiff(s) and all others similarly situated for damages arising from the violation of §1692 *et seq.* of Title 15 of the United States Code, the Fair Debt Collections Practices Act (hereinafter "FDCPA") committed by the defendant(s), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

Introduction

1. This action seeks redress for the illegal practices of Defendant(s), concerning the collection of debt, in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA").

Jurisdiction and Venue

2. This Court has Federal question jurisdiction under 28 U.S.C. § 1331.
3. Venue is proper in this District because the acts and transactions that give rise to this action occurred, in substantial part, in this District. Additionally, the residence of the plaintiff(s) is in this District.

Parties

4. Plaintiff(s) is/are individual(s) who reside(s) in Kings county State of New York.
5. Upon information and belief, defendant, is an active Ohio business.

Statement of Facts

6. Defendant(s) is/are regularly engaged in the collection of debts, allegedly owed by consumers, through the use of various instrumentalities of interstate commerce and the mails.
7. Defendant(s) is/are "Debt Collectors" as that term is defined by §1692a(6) of the FDCPA.
8. Plaintiff(s) received direct communications from defendant(s), who caused the collection letter complained of herein to be sent to the home address of plaintiff(s). Attached as **Exhibit A** is a copy of the letter.
9. Said letter was an attempt to collect a debt as defined by §1692a(5), from a natural person.

Class Action Allegations

10. This action is brought by plaintiff(s) as a class action, pursuant to Rule 23 of the Federal Rules of Civil Procedure (hereinafter "FRCP"), on behalf of plaintiff(s) and all consumers and their successors in interest (the "Class") who have received initial debt collection notices and/or letters from the defendant(s) as of one year prior to the filing of plaintiff's complaint until the present, which contained the required 30 day notice and which implied that action in the form of "[A]n investigative consumer report, which

includes information as to your character, general reputation, personal characteristics and mode of living, has been requested,” in the same manner as Exhibit A of this complaint. Excluded from these Class are the defendant(s) herein, and any person, firm, trust, corporation, or other entity related to or affiliated with the defendant(s), including, without limitation, persons who are members, officers, directors, employees, associates or partners of defendant(s).

11. This action is properly maintained as a class action. This Class satisfies all the requirements of Rule 23 for maintaining a class action.

12. The Class is so numerous that joinder of all members is impracticable. Upon information and belief, 40 or more persons have received debt collection notices from the defendant(s), which violate various provisions of the FDCPA.

13. There are questions of law and fact which are common to the Class and which predominate over questions affecting any individual Class member. These common questions of law and fact include, without limitation:

a. Whether the defendant(s) violated various provisions of the FDCPA, including but not limited to 15 U.S.C. §§1692g and 1692e.

b. Whether plaintiff and the Class have been injured by the conduct of the defendant(s); and

c. Whether plaintiff(s) and the Class have sustained damages and are entitled to restitution as a result of the wrongdoing defendant(s) and, if so, what is the proper measure and appropriate statutory formula to be applied in determining such damages and restitution.

14. The claims of Plaintiff(s) are typical of the claims of the Class. The interests of the plaintiff(s) are not adverse or antagonistic to the interests of other members of the Class.

15. Plaintiff(s) will fairly and adequately protect the interests of the Class and have retained experienced counsel, competent in the prosecution of class action litigation.

16. A class action is superior to other methods for the fair and efficient adjudication of the claims herein asserted. No unusual difficulties are likely to be encountered in the management of this class action.

17. A class action will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without the duplication of effort and expense that numerous individual actions would engender. Class treatment also will permit the adjudication of relatively small claims by many Class members who could not otherwise afford to seek legal redress for the wrongs complained of herein. Absent a class action the Class members will continue to suffer losses of statutorily protected rights as well as monetary damages and if the conduct of defendant(s) will proceed without remedy defendant(s) will continue to reap and retain proceeds of ill-gotten gains.

As and for a first cause of action

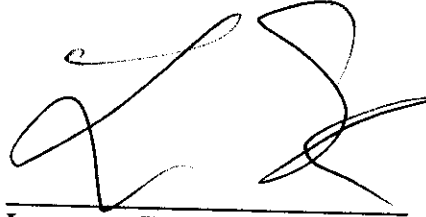
18. All the foregoing paragraphs are incorporated by reference as if set forth fully herein.
19. Upon information and belief, the collection letter is a form letter sent by defendant(s) to the plaintiff(s).
20. Collection letters, such as those sent by defendant(s), are to be evaluated by the objective standard of the hypothetical "least sophisticated consumer."
21. Section 1692e of the Fair Debt Collection Practices Act states that:
"A debt collector may not use any false, deceptive or misleading representation or means in connection with the collection of any debt."
22. Section 1692g requires the debt collector to give what is commonly referred to as a 30-day notice within five days of its communication with the consumer.
23. Defendant(s) violated § 1692g, by the threat of an ongoing investigation into the person of the consumer.
24. Defendants violated § 1692e by using false and deceptive means in connection with the collection of the debt which stated that the person of the consumer was under investigation. Specifically, the letter stated: An investigative consumer report, which includes information as to your character, general reputation, personal characteristics and mode of living, has been requested.

WHEREFORE, plaintiff respectfully requests that the Court enter judgment as follows:

- a) Declaring that this action is properly maintainable as a class action and certifying plaintiff as Class representative;
- b) Awarding plaintiff(s) and the class statutory damages;
- c) Awarding plaintiff(s) and the class costs of this action, including reasonable attorneys' fees and expenses; and

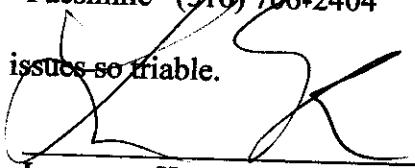
d) Awarding plaintiff and the class such other and further relief as the Court may deem just and proper.

Dated: Cedarhurst, New York
January 30, 2008



Lawrence Katz (LK-0062)
Attorney at Law
445 Central Avenue Suite 206
Cedarhurst, New York 11516
Telephone (516) 374-2118
Facsimile (516) 706-2404

Plaintiff requests trial by jury on all issues so triable.



Lawrence Katz (LK-0062)

EXHIBIT A

UNITED COLLECTION BUREAU, INC.
5620 SOUTHWYCK BLVD SUITE 206
TOLEDO OH 43614

1-877-387-3432

SHAMI, SOLOMON
2423 AVENUE R
BROOKLYN NY 11229-2429

01-14-08

PAGE: 1 of 1

Re : CITICORP CREDIT SERVICES, INC. (USA)
Account Number : 5306290027643458
Service Date : 12-21-07
Balance Due : \$10646.16

Unless you dispute the validity of this debt or any portion thereof, please make your payment payable to Citicorp Credit Services, Inc. (USA) at the remit address below or call our office for arrangements.

As of the date of this letter, you owe the above referenced balance. Because of interest charges that may vary from day to day, the amount due on the day you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after your check is received. For further information, write this office or call the above referenced number.

Sincerely,

United Collection Bureau, Inc.

Business Hours: 8:30am - 11:00pm EST Monday - Friday
8:30am - 12:00pm EST Saturday

This is an attempt to collect a debt by UCB, Inc., a debt collector, and any information obtained will be used for this purpose.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor.

SEE REVERSE SIDE FOR IMPORTANT INFORMATION

P.O. BOX 140516
TOLEDO, OH 43614-0516



RETURN SERVICE REQUESTED

PLEASE RETURN THIS PORTION WITH PAYMENT DO NOT ATTACH CHECK TO THIS

Re : CITICORP CREDIT SERVICES, INC. (USA)
Account Number : 5306290027643458
Service Date : 12-21-07
Balance Due : \$10646.16

☐ Please check box if above address is incorrect or insurance information has changed, and indicate change(s) on reverse side.

CDN

ADDRESSEE: 60197712

4288 - 179

SHAMI, SOLOMON
2423 AVENUE R
BROOKLYN NY 11229-2429

REMIT TO:

CITICORP CREDIT SERVICES, INC. (USA)
P.O. BOX 140516
TOLEDO, OH 43614-0516



ARIZONA: Time and place the debt was created; Merchandise, services, or other items of value underlying the debt; Date the account was referred to the collection agency

CALIFORNIA: As required by law, you are hereby notified that a negative credit report reflecting your credit record may be submitted to a credit-reporting agency if you fail to fulfill the terms of your credit obligations. But we will not submit a negative credit report to a credit reporting agency about this credit obligation until the expiration of the time period described in the notice on the front of this letter.

The state Rosenthal Fair Debt Collection Practices Act and the Federal Fair Debt Collection Practice Act require that, except under unusual circumstances, collectors may not contact you before 8am or after 9pm. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal phone calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade commission at 1-877-FTC-HELP or www.ftc.gov.

COLORADO: For information about the Colorado Fair Debt Collection Practices Act, see www.ago.state.co.us/CADC/CADCmain.cfm

KANSAS: An investigative consumer report, which includes information as to your character, general reputation, personal characteristics and mode of living, has been requested. You have the right to request additional information, which includes the nature and scope of the investigation.

MAINE: Hours of Operation (EST): Monday through Thursday 8:00 a.m. to 8:00 p.m.; Friday 8:00 a.m. to 5:00 p.m.; Saturday 8:00 a.m. to 12:00 p.m.

MASSACHUSETTS: **NOTICE OF IMPORTANT RIGHTS** You have the right to make a written or oral request that telephone calls regarding your debt not be made to you at your place of employment. Any such oral request will be valid for only ten days unless you provide written confirmation of the request postmarked or delivered within seven days of a request. You may terminate this request by writing to the collection agency. Hours of Operation (EST): Monday through Thursday 8:00 a.m. to 8:00 p.m.; Friday 8:00 a.m. to 5:00 p.m.; Saturday 8:00 a.m. to 12:00 p.m.

MINNESOTA: This collection agency is licensed by the Minnesota Department of Commerce.

NEW YORK CITY: New York City Department of Consumer Affairs License Number 1004887

NORTH CAROLINA: North Carolina Permit Number: 3422, 3843 and 4022

TENNESSEE: This collection agency is licensed by the Collection Services Board of the Department of Commerce and Insurance.

UTAH: As required by Utah law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit-reporting agency if you fail to fulfill the terms of your credit obligations. But we will not submit a negative credit report to a credit reporting agency about this credit obligation until the expiration of the time period described in the notice on the front of this letter.

WISCONSIN: This collection agency is licensed by the Office of the Administrator of the Division of Banking, P.O. Box 7876, Madison, Wisconsin 53707.

IF ANY OF THE FOLLOWING HAS CHANGED SINCE YOUR LAST STATEMENT, PLEASE INDICATE...

Your Name _____ Marital Status _____
 Street _____ Home Phone _____
 City _____ State _____ Zip _____
 Employer _____ Business Phone _____
 Employer Address _____
 Insurance Company _____ Contract No. _____
 Ins. Company Address _____ Ins. Policy No. _____
 Ins. Company City, State, Zip _____ Ins. Group # _____
 Insurance Phone No. _____ Spouse's Name _____
 Date of Birth _____ Social Security No. _____